

Exhibit 6H

7/29/2014 Deposition Transcript of D. Gilbert (excerpted)

1 DAN GILBERT
2 IN THE UNITED STATES BANKRUPTCY COURT
3 FOR THE EASTERN DISTRICT OF MICHIGAN
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6 In re:) Chapter 9
7 CITY OF DETROIT, MICHIGAN,) Case No. 13-53846
8 Debtor.) Hon. Steven W. Rhodes

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13 The Videotaped Deposition of DAN GILBERT,
14 Taken at 4000 Town Center, Suite 1800,
15 Southfield, Michigan,
16 Commencing at 9:46 a.m.,
17 Tuesday, July 29, 2014,
18 Before Cheri L. Poplin, CSR-5132, RPR, CRR.

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<p style="text-align: right;">Page 126</p> <p>1 DAN GILBERT</p> <p>2 discussions with the mediators that have been</p> <p>3 appointed in this case?</p> <p>4 A. Who are the mediators?</p> <p>5 Q. Okay. Well, let me ask a better question. Are you</p> <p>6 aware that this -- in this bankruptcy the Court has</p> <p>7 appointed mediators to help out?</p> <p>8 A. I think I've read that, yes.</p> <p>9 Q. Okay. Have you had -- and Judge Rosen is one of those</p> <p>10 mediators?</p> <p>11 A. Yeah.</p> <p>12 Q. Okay. Have you had any conversations with Judge Rosen</p> <p>13 about the Grand Bargain?</p> <p>14 A. Yeah. He called me up.</p> <p>15 Q. Okay.</p> <p>16 A. Well, let me see was it about the Grand Bargain. I</p> <p>17 know he called me up and asked me to attend some</p> <p>18 event. I can't recall whether it was about</p> <p>19 specifically -- no. I don't -- I don't think he -- we</p> <p>20 talked about the Grand Bargain actually.</p> <p>21 Q. Have you had any conversations with Judge Rosen about</p> <p>22 the case in general?</p> <p>23 A. Yeah. In general. And that phone call when he called</p> <p>24 me, how's it going, what do you think, you know, that</p> <p>25 kind of thing.</p>	<p style="text-align: right;">Page 128</p> <p>1 DAN GILBERT</p> <p>2 Q. Okay.</p> <p>3 A. Might be Driker. I just don't know.</p> <p>4 Q. Okay.</p> <p>5 A. I don't think it is. I think this guy -- Driker is a</p> <p>6 Wayne State guy. I think he -- he worked at Comerica</p> <p>7 before this.</p> <p>8 Q. And do you know if you've had any conversations with</p> <p>9 any of the other mediators besides that one</p> <p>10 conversation with Judge Rosen?</p> <p>11 A. Who's the other mediators?</p> <p>12 Q. So as far as you know, no?</p> <p>13 A. Well, yeah. I've got to know their names so I can</p> <p>14 tell you.</p> <p>15 Q. Okay. But it was never in -- to be honest, I don't</p> <p>16 have them off the top of my head either. But as far</p> <p>17 as you know, there were never any conversations with</p> <p>18 mediators about the bankruptcy case; is that right?</p> <p>19 MR. SHUMAKER: That he had?</p> <p>20 MR. ARNAULT: Yeah. That he had.</p> <p>21 A. Yeah. You know, until I know the names of the people</p> <p>22 I don't want to go on record and say that, so I</p> <p>23 don't . . .</p> <p>24 BY MR. ARNAULT:</p> <p>25 Q. Sure. That's fair. And who were you first contacted</p>
<p style="text-align: right;">Page 127</p> <p>1 DAN GILBERT</p> <p>2 Q. Okay. But he didn't ask you to donate to the Grand</p> <p>3 Bargain?</p> <p>4 A. I don't believe so. No. Because I know he didn't</p> <p>5 because that was -- the person who came in was the guy</p> <p>6 that runs the -- well, he's the -- he doesn't run it.</p> <p>7 He's the non-paid chairman. I don't know his name.</p> <p>8 THE WITNESS: Do you guys know his name?</p> <p>9 MR. SHUMAKER: From the DIA?</p> <p>10 THE WITNESS: Yeah.</p> <p>11 A. He came in. If I heard his name, I'd know it.</p> <p>12 BY MR. ARNAULT:</p> <p>13 Q. I don't know. So this was --</p> <p>14 MR. SHUMAKER: Gargaro?</p> <p>15 THE WITNESS: No. It's not him. He</p> <p>16 runs -- it's the other guy. The guy who's -- Gene --</p> <p>17 the other Gene. Gene --</p> <p>18 BY MR. ARNAULT:</p> <p>19 Q. Driker?</p> <p>20 A. No, no, no. Maybe. I don't know. I've got to get --</p> <p>21 I'm sorry.</p> <p>22 Q. That's all right.</p> <p>23 A. He's the -- he's like the -- he's like the chairman of</p> <p>24 the board. He doesn't work there. He's like the</p> <p>25 nonprofit chairman of the board guy.</p>	<p style="text-align: right;">Page 129</p> <p>1 DAN GILBERT</p> <p>2 by about donating to the Grand Bargain?</p> <p>3 A. Yeah. This was Gene -- I'm going to get you his name.</p> <p>4 Q. Okay. Yeah. Yeah.</p> <p>5 A. Want his name?</p> <p>6 Q. Sure.</p> <p>7 A. You can ask the que -- I'll just keep talking.</p> <p>8 MR. SHUMAKER: Is it Graham?</p> <p>9 BY MR. ARNAULT:</p> <p>10 Q. Was it Graham Beal?</p> <p>11 A. Yes. That's it.</p> <p>12 Q. All right. There we go.</p> <p>13 A. Did I say Gene?</p> <p>14 Q. Yeah.</p> <p>15 A. Graham.</p> <p>16 Q. Okay.</p> <p>17 A. Graham Beal.</p> <p>18 Q. So Graham Beal called you in about May 2014 asking you</p> <p>19 to donate to the Grand Bargain?</p> <p>20 A. Yeah. He said to come into the -- he wanted to meet,</p> <p>21 come to the office, and when he came to the office, he</p> <p>22 talked about it, yes.</p> <p>23 Q. Okay.</p> <p>24 A. And Matt Cullen was in the meeting with me from my</p> <p>25 office.</p>

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<p style="text-align: right;">Page 130</p> <p>1 DAN GILBERT</p> <p>2 Q. Okay. And what did he say about donating to the Grand</p> <p>3 Bargain when you had this meeting with him?</p> <p>4 MR. SHUMAKER: I'm going to object because</p> <p>5 I believe that any of these discussions would have</p> <p>6 been covered by the mediation order, and, as you know,</p> <p>7 Judge Rhodes has indicated that there are not going to</p> <p>8 be communications revealed in connection with those</p> <p>9 mediations, and so I think this is off limits.</p> <p>10 MR. ARNAULT: Okay. So your position is</p> <p>11 that Mr. Gilbert was part of the -- the mediation?</p> <p>12 MR. SHUMAKER: Yes. I -- I believe that's</p> <p>13 correct.</p> <p>14 MR. ARNAULT: Okay. And you're going to</p> <p>15 instruct him not to answer any questions about what</p> <p>16 was discussed during the meeting with Mr. Beal?</p> <p>17 MR. SHUMAKER: His personal attorney can do</p> <p>18 that, but that is our position, yes.</p> <p>19 MR. ARNAULT: Okay.</p> <p>20 MR. SHUMAKER: The City's position.</p> <p>21 BY MR. ARNAULT:</p> <p>22 Q. After that meeting in May 2014, did you have any other</p> <p>23 meetings with the DIA or anyone about the Grand</p> <p>24 Bargain?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 132</p> <p>1 DAN GILBERT</p> <p>2 A. No. I don't think so. I don't think I -- I can't</p> <p>3 tell you for sure, you know, recollection of dates.</p> <p>4 But I do believe that the meeting was likely the first</p> <p>5 time that I heard the specifics about it or, you know.</p> <p>6 Q. And the first time that you were approached about it?</p> <p>7 A. Yeah.</p> <p>8 Q. Why did you decide to donate to the Grand Bargain?</p> <p>9 A. Well, we -- we're heavily invested in the City of</p> <p>10 Detroit and its well-being and, you know, they're</p> <p>11 asking us to participate along with other businesses</p> <p>12 and foundations and -- and companies that if we could,</p> <p>13 you know, have a way where the -- these pensioners</p> <p>14 could get their -- you know, most of their pensions</p> <p>15 and we could also move the DIA outside of the assets</p> <p>16 of the City, as it probably should have been done a</p> <p>17 long time ago. You know, it's hard to sort of say no</p> <p>18 to that based on our position where we're at.</p> <p>19 Q. So you understood when you agreed to donate that you</p> <p>20 would be helping to save the art in the DIA; is that</p> <p>21 right?</p> <p>22 MR. MORRIS: Objection. Form.</p> <p>23 A. First of all, my understanding reading this stuff,</p> <p>24 there may be zero legal authority, anyway, for -- for</p> <p>25 those assets to be subject to bankruptcy, so I'm not</p>
<p style="text-align: right;">Page 131</p> <p>1 DAN GILBERT</p> <p>2 Q. Did you agree at that meeting to donate to the Grand</p> <p>3 Bargain?</p> <p>4 A. Yes.</p> <p>5 Q. And I assume you were aware of that back in November</p> <p>6 or early 2013 when the Grand Bargain was first</p> <p>7 materializing? Were you aware of that?</p> <p>8 MR. SHUMAKER: Object to the form.</p> <p>9 A. Aware -- I don't understand the question.</p> <p>10 BY MR. ARNAULT:</p> <p>11 Q. Well, did you see any -- prior to the point in time</p> <p>12 when you donated, did you see any media reports about</p> <p>13 the -- the formation of the Grand Bargain and the fact</p> <p>14 that all these foundations were contributing?</p> <p>15 A. I -- I really can't recall whether the meeting is the</p> <p>16 first time I heard it or I read it -- I'm sure it was</p> <p>17 all around the same time. I just can't recall.</p> <p>18 Q. There was never a point in time when the media reports</p> <p>19 came out and you saw that all these foundations were</p> <p>20 donating and made the decision or decided not -- not</p> <p>21 to donate?</p> <p>22 A. That -- that I made the decision not to donate?</p> <p>23 Q. Yeah. Or you just -- you decided -- you didn't see</p> <p>24 that and say, well, maybe I should donate to the Grand</p> <p>25 Bargain?</p>	<p style="text-align: right;">Page 133</p> <p>1 DAN GILBERT</p> <p>2 sure that that's a great way to characterize it. We</p> <p>3 were saving -- the safer thing for sure would be to</p> <p>4 move it outside of the City.</p> <p>5 BY MR. ARNAULT:</p> <p>6 Q. Okay. So you understood that when you were donating,</p> <p>7 you were helping to transfer the assets in the DIA</p> <p>8 outside the City? Would that be a better way to put</p> <p>9 it?</p> <p>10 MR. MORRIS: Objection. Form.</p> <p>11 MR. SHUMAKER: Object to the form.</p> <p>12 A. Say -- say that again.</p> <p>13 BY MR. ARNAULT:</p> <p>14 Q. You understood that when you were donating money to</p> <p>15 the Grand Bargain that the money would be used to</p> <p>16 transfer the DIA assets out of the City? Would that</p> <p>17 be a fair way to put it?</p> <p>18 MR. MORRIS: Same objection.</p> <p>19 MR. SHUMAKER: Same objection.</p> <p>20 A. Yeah. I think going -- I think the way it was</p> <p>21 presented was going forward in time and as part of</p> <p>22 this agreement and all the creditors and the judge,</p> <p>23 that that would be the case and the results of this</p> <p>24 would be that the museum would then sit outside going</p> <p>25 forward. Yeah.</p>

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<p style="text-align: right;">Page 134</p> <p>1 DAN GILBERT</p> <p>2 BY MR. ARNAULT:</p> <p>3 Q. Okay. So you understood that the art in the DIA was</p> <p>4 part of the Grand Bargain; would that be fair?</p> <p>5 A. I don't understand the question, if the art was part</p> <p>6 of it.</p> <p>7 Q. Or that it was one of the components of the Grand</p> <p>8 Bargain?</p> <p>9 A. Still -- I don't understand the question.</p> <p>10 Q. Would you have entered into the Grand Bargain if one</p> <p>11 of the terms of the Grand Bargain was that -- actually</p> <p>12 strike that.</p> <p>13 Would you have entered into the Grand</p> <p>14 Bargain if the art was not being transferred as part</p> <p>15 of the Grand Bargain?</p> <p>16 MR. SHUMAKER: Object to the form.</p> <p>17 MR. MORRIS: Object to form.</p> <p>18 A. I don't know how to answer that question. The way it</p> <p>19 was presented to us was this is how it's all going to</p> <p>20 work, do you want to be in or out, and we said</p> <p>21 we'll -- yeah, we'll participate, so I can't speculate</p> <p>22 to possibilities of things.</p> <p>23 BY MR. ARNAULT:</p> <p>24 Q. Okay. It was essentially here's the structure, are</p> <p>25 you going to agree or not agree; is that right?</p>	<p style="text-align: right;">Page 136</p> <p>1 DAN GILBERT</p> <p>2 MR. MORRIS: Object to form.</p> <p>3 A. So where would it go? I mean, I guess I would ask the</p> <p>4 question if it wasn't there, I would say, okay, well,</p> <p>5 where -- where is it going to go to?</p> <p>6 BY MR. ARNAULT:</p> <p>7 Q. Would you have contributed money to the Grand Bargain</p> <p>8 if some of the money went to pay the debts of the</p> <p>9 City's other financial creditors?</p> <p>10 MR. SHUMAKER: Object to the form.</p> <p>11 MR. MORRIS: Objection. Form.</p> <p>12 A. I'd have to understand who the creditors were and</p> <p>13 what -- I -- I guess there's thousands of creditors;</p> <p>14 right? I don't -- so I'd need to know more specifics</p> <p>15 for -- to answer that question.</p> <p>16 BY MR. ARNAULT:</p> <p>17 Q. Okay. Would you have contributed money to the Grand</p> <p>18 Bargain if some of the money went to pay the debts of</p> <p>19 the insurers who insure the City's Certificates of</p> <p>20 Participation?</p> <p>21 MR. SHUMAKER: Object to the form.</p> <p>22 MR. MORRIS: Objection. Form.</p> <p>23 MR. SHUMAKER: Calls for hypothetical.</p> <p>24 THE WITNESS: So do you want me to answer</p> <p>25 the question?</p>
<p style="text-align: right;">Page 135</p> <p>1 DAN GILBERT</p> <p>2 A. Yeah. I mean, they didn't say it like -- you know,</p> <p>3 that way, but they said here's -- here's -- here's</p> <p>4 what we want to do here, here's how it's going to all</p> <p>5 work, here's who we think is going to participate,</p> <p>6 would you guys participate at this level, and we said</p> <p>7 yes.</p> <p>8 Q. Did you propose any changes to the structure of the</p> <p>9 deal?</p> <p>10 A. No.</p> <p>11 Q. And did you understand that the money you provided</p> <p>12 would go directly to the retirees?</p> <p>13 A. Yeah. I believe it was -- it was presented that way</p> <p>14 to us, that this will hel -- again, I can't recall the</p> <p>15 word for word, it was a verbal thing, but this would</p> <p>16 help save the majority of the -- the pensioners'</p> <p>17 pensions and they were at the same time moving forward</p> <p>18 forever, so if this -- you know, in the one in a</p> <p>19 million chance this happened again, it would -- you</p> <p>20 know, it wouldn't even be a question as to the assets</p> <p>21 being outside of the City.</p> <p>22 Q. Would you have entered into the Grand Bargain if the</p> <p>23 money you contributed did not go directly to the</p> <p>24 retirees?</p> <p>25 MR. SHUMAKER: Object to the form.</p>	<p style="text-align: right;">Page 137</p> <p>1 DAN GILBERT</p> <p>2 MR. SHUMAKER: Go ahead.</p> <p>3 A. No. You know, to think that sophisticated Wall Street</p> <p>4 insurance companies and investors who knew the City of</p> <p>5 Detroit was in dire financial straits for decades and</p> <p>6 took a risk in insuring those bonds and -- would I</p> <p>7 personally have invested money into a scheme that</p> <p>8 would get them part of the recovery? No. The answer</p> <p>9 is no.</p> <p>10 BY MR. ARNAULT:</p> <p>11 Q. Okay. And you say that sophisticated Wall Street</p> <p>12 banks and companies who invested in the City of</p> <p>13 Detroit.</p> <p>14 A. Um-hmm.</p> <p>15 Q. Do you know what information they were provided in</p> <p>16 connection with those investments?</p> <p>17 A. No. I would assume that they were provided whatever</p> <p>18 is required by the law. I don't know.</p> <p>19 Q. But you haven't looked at exactly what was provided?</p> <p>20 A. No. No.</p> <p>21 Q. And you don't know what representations were made by</p> <p>22 the City to those financial creditors?</p> <p>23 A. No. I'm sure they did their due diligence, though.</p> <p>24 Q. Would you have contributed money to the Grand Bargain</p> <p>25 if some of the money was earmarked to demolish blight</p>

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